

Samuel E. White,  
Plaintiff,

vs.

Officer Jeremy Michael Ledford, Officer  
Jeramie Blair Woods, sued in their  
individual and official capacity,  
Defendants.

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C.A. No.: 9:10-cv-00020-RBH

**ORDER**

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation.<sup>1</sup> In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4<sup>th</sup> Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

**ORDERED** that this action is dismissed with prejudice for lack of prosecution.

**IT IS SO ORDERED.**

s/R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

Florence, South Carolina  
September 27, 2010

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<sup>1</sup> The court notes that Defendants filed a counterclaim against Plaintiff in this matter. *See* Answer [Docket Entry 11]. While the Magistrate Judge did not expressly mention this counterclaim in his R & R, he did recommend dismissal of this entire action with prejudice. *See* R & R at 2. Such dismissal would include the counterclaim. Neither party filed any objections to this recommendation, so it appears to the court that Defendants may not be pursuing their counterclaim. Accordingly, the court ultimately adopts that recommendation of the Magistrate Judge.